IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

RP.No. 659 of 2005(G)

AGAINST THE JUDGEMENT/ORDER IN RSA.1190/2004 Dated 17/11/2004

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: REVIEW PETITIONERS/APPELLANT ONE AND TWO

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1. KARTHYAYANI W/O. LATE AYYAPPAN,
AYINIPPALLIKUNNEL HOUSE,
MECKADAMPU, VALAKOM VILLAGE, NOW RESIDING AT
PARATHAZHATHU HOUSE, CHATTUPARA, MANIYAMTHRAM KARA
KALLORKKADU VILLAGE.

2. CHANDRIKA D/O. LATE AYYAPPAN,
AYINIPPALLIKUNNEL HOUSE,
MECKADAMPU KARA, VALAKOM VILLAGE.

BY ADV. SRI.M.TRIPTEN
SRI.M.P.MADHAVANKUTTY

RESPONDENTS: RESPONDENT IN R.S.A.

KUMARI D/O. LATE AYYAPPAN,
AYINIPPALLIKUNNEL HOUSE,
MECHADAMPU KARA, VALAKOM VILLAGE.

BY ADV. SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

R.P. No. 659 OF 2005
IN
R.S.A. No. 1190 OF 2004 G

Dated this the 18th day of September, 2007

O R D E R

The plaintiffs in O.S.No.179/97 on the file of the Munsiff Court, Muvattupuzha, are the petitioners in this review petition. Their suit for partition and separate possession of 2/3rd share over the plaint schedule property on the allegation that the plaintiffs are the first wife and daughter of one Ayyappan and the defendant is the illegitimate daughter of the said Ayyappan in his second wife Karthiyani whom the said Ayyappan had subsequently married during the subsistence of his marriage with the first plaintiff, was concurrently dismissed by the courts below. The first plaintiff, who claimed to be the first wife of Ayyappan, did not even mount the witness box to give evidence in support of the alleged marriage which was vehemently disputed. The second appeal taken therefrom was dismissed in limine by this court taking into account the concurrent finding on facts and also noticing that no question of law much less, any substantial question of law arose out of the decrees passed by the courts below. I do not find any error of law or other sufficient ground to justify the filing of this R.P. which is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

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